

Kenneth Covell
LAW OFFICE OF KENNETH COVELL
712 Eighth Avenue
Fairbanks, AK 99701
Phone: (907) 452-4377
Fax: (907) 451-7802
E-mail: kcovell@gci.net

Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT FAIRBANKS**

ROBERT PROBERT; LORETTA E.
PROBERT; GENE GRISSOM;
SANDRA GRISSOM; JOHN GRIMES;
DONNA GRIMES; KENNETH
MCDANIELS; LEONA MCDANIELS;
ERIC CLONINGER; DEBRA
CLONINGER; and LORETTA REES,

Plaintiffs,

vs.

FAMILY CENTERED SERVICES of
ALASKA, INC.; JOHN W. REGITANO;
KATHY CANNONE; SUSZAN DALE;
LONNIE HOVDE; DEBORAH L.
COXON, and ADDITIONAL DOES I to
X, Managerial Employers, Jointly Liable,

Defendants.

Case No. 4:07-CV-000030 RRB

**MOTION TO CONTINUE DATE FOR REPLY TO OPPOSITION TO
MOTION FOR INDICATIVE RULING**

Plaintiff filed a motion for indicative ruling on December 4, 2009 at [Doc. 140](#). Defendant's opposition was due on or about December 21-24, 2009.

Defendant asked Plaintiff for extra time; and Plaintiff non-opposed a continuance through January 4, 2010.

Plaintiff was waiting for the opposition to the 62.1 motion, in order to consider it in concert with Defendant's opening brief on interlocutory appeal in the Ninth Circuit.

Plaintiffs' counsel mistakenly mis-calculated the time to file the reply.

On the night of the 15th, counsel realized that there would be a seven day limitation; and worked on the motion over the weekend and the nights of the 17th and the 18th. The motion was partially typed on the 18th, but not completed.

Plaintiff expects to have his reply filed hopefully on the 19th.

Plaintiff requests to have through the close of business on the 22nd of January, just in case.

Counsel attempted to contact Foster Wallace on January 18; however, there was no answer. They appear to be fortunate enough to have the holiday off.

In reviewing the rule, it appears counsel may have used the time calculation for 12(b) motions; or was just confused with the rule change.

RESPECTFULLY SUBMITTED this 18th day of January 2010, at
Fairbanks, Alaska.

LAW OFFICE OF KENNETH L. COVELL
Attorney for the Plaintiffs
s/ Kenneth L. Covell
712 Eighth Avenue
Fairbanks, Alaska 99701
Phone: (907) 452-4377
Fax: (907) 451-7802
Email: kcovell@gci.net
ABA No. 8611103

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing
has been served electronically by ECF to the
following attorney(s) and/or parties of the record:

John Foster Wallace, Colin C. Hampton,
Richard D. Monkman

Dated: January 18, 2010

By: s/ Kenneth L. Covell
Law Office of Kenneth L. Covell